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ETW

09/316,938

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Michael Thorsen et. al	Examiner:	S. Rimell
Serial No.:	09/316,938	Group Art Unit:	2175
Filing Date:	November 9, 1998	Docket No.:	1685
Title	Healthcare Payment, Reporting and Data Processing System and Method		

Date of Deposit: 3-16-05

I hereby certify that this paper is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Signature:

Mary S. Keller

Printed Name: Mary S. Keller

TRANSMITTAL LETTER

Commissioner for Patents  
Alexandria, VA 22313

In follow up to my Response to the Office Action (dated July 2, 2004) filed with the Patent Office on January 3, 2005, enclosed please find an Affidavit of Jerry Hayes that provides further evidence of non-obviousness.

Respectfully submitted,  
HEALTHEZ, INC.  
By its attorneys:

Date:

3/16/05

Stephanie J. James

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**Affidavit of Jerry Hayes**

1. I, Jerry Hayes, am the Chief Operating Officer of America's TPA the assignee of U.S. patent application Ser. No. 09/316,938. I have held this position since December 2003. America's TPA is a third party administrator that is contracted by an employer to administer its benefits plan

2. HealthEZ offers incomparable service in streamlining the payment process to the employees providers and in simplifying the billing and paperwork process for the employees. We selected HealthEZ and continue to be pleased with their service because HealthEZ was the first company we know of to offer the following features and services:

- the employer receives only a single periodic bill covering all of the health care services provided to all covered employees and their family members for a given time period;
- HealthEZ provides us, as an agent acting for the employer, with a single bill on a periodic basis for all services rendered to all employees (and their covered family members) during a specified period. This is considerably more convenient for us than receiving a plethora of bills for individual claims from health care providers or an administrator;
- HealthEZ allows us to pay using Automated Clearing House (ACH) HealthEZ with a lump sum payment for a given period. This is considerably more convenient than paying for individual claims;

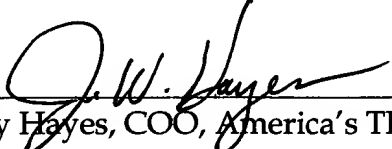
- HealthEZ provides our employees with a bill that aggregates all claims for the employee and his/her family members for all services rendered for a given period. This is considerably more convenient and is less confusing to employees than receiving individual bills for each service rendered;
- HealthEZ provides our employees with a statement that includes a plain English description of the health care services rendered. This is considerably more convenient and less confusing to employees than a bill or explanation of benefits that identifies services by codes or with very abbreviated textual references;
- HealthEZ provides our employees with a statement that sorts the line items by family member. This makes the statement particularly easy to understand.

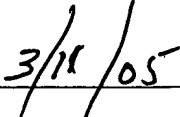
4. Because of these features in the HealthEZ system, we have observed the following:

- our employees understand their bills so they provide more reliable payment for their share of health care provider bills.
- Our HR employees field fewer questions regarding claims since the statements they receive are clear.
- Our employees have options to extend their payments with the higher deductible and co-insurance plans that have been introduced. This allows us to introduce these plans with a solution for the employees.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that all these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment or both, under 18 U.S.C. §1001, and that willful false statements may jeopardize the validity of any patent issuing from USSN 09/316938.

By:

  
 Jerry Hayes, COO, America's TPA

  
 Date



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 09/316,938

Filing Date 11/09/1998

First Named Inventor Michael Thorsen

Art Unit 2175

Examiner Name S. Rimell

Attorney Docket Number 1685

**ENCLOSURES (Check all that apply)**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form                             | <input type="checkbox"/> Drawing(s)                                       | <input type="checkbox"/> After Allowance Communication to TC                            |
| <input type="checkbox"/> Fee Attached                                     | <input type="checkbox"/> Licensing-related Papers                         | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Amendment/Reply                                  | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final                                      | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                        | <input type="checkbox"/> Power of Attorney, Revocation                    | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                        | <input type="checkbox"/> Change of Correspondence Address                 | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
| <input type="checkbox"/> Express Abandonment Request                      | <input type="checkbox"/> Terminal Disclaimer                              | Transmittal Letter; and Affidavit of Jerry Hayes  |
| <input type="checkbox"/> Information Disclosure Statement                 | <input type="checkbox"/> Request for Refund                               |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)           | <input type="checkbox"/> CD, Number of CD(s) _____                        |   |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application    | <input type="checkbox"/> Landscape Table on CD                            |   |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 |   |   |

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	BECK & TYSVER, P.L.L.C.		
Signature			
Printed name	Stephanie J. James		
Date	3/16/05	Reg. No.	34,437

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Mary S. Keller	Date	3-16-05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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